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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,532	11/15/2001	Kenneth L. Stanwood	ENSEMB.031A	3108
27189	7590	06/29/2006	EXAMINER	
PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101				GREY, CHRISTOPHER P
ART UNIT		PAPER NUMBER		
				2616

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

S/

Office Action Summary	Application No.	Applicant(s)	
	09/991,532	STANWOOD ET AL.	
	Examiner	Art Unit	
	Christopher P. Grey	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 November 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-56 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1,2,26-28,39-41 and 44-46 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) 3-22,29-38 and 47-56 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Interview Summary (PTO-413) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 26-28, 39-41 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrus et al. (US 20030169722) in view of Uhlik (US 6760599)

Claim 1, 26, 39, 40, 41, 44 Petrus discloses transmitting a broadcast preamble from a base station to a first terminal and second terminal during a downlink sub frame on the first channel (paragraph 0005, 0019, 0028 and table 1)

Petrus discloses synchronizing the first terminal and the second terminal to the base station based on the broadcast preamble (paragraph 0031, 0035, 0036)

Petrus discloses sending a message from a user (first terminal) to a base station (paragraph 0036 and 0037). However, Petrus does not disclose doing so on a second channel.

Petrus discloses a modulator (element 37 in fig 4) within the base station, where data and voice to be transmitted is modulated (paragraph 0155). Furthermore, Petrus discloses a configuration message being sent by the base station (paragraph 0037).

Petrus discloses the preamble being sent within a BCH burst, where the BCH is a repeating frame (paragraph 0028, 0029). Therefore, if the BCH contains synchronization information, and is repeatedly sent from the base station, it follows that resynchronization occurs on a periodic basis.

Uhlik discloses a separate channel for sending the message as disclosed by Petrus (Col10 lines 15-20).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine transmit the message from a user to a base station as disclosed by Petrus, via a different

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channel as disclosed by Uhlik. The motivation for this clarification is common within the art, where separate channels are used to avoid interference.

Claim 2, 27, 45 Petrus discloses the resynchronization as disclosed within the rejection of claim 1. Petrus discloses a modulator (element 37 in fig 4) within the base station, where data and voice to be transmitted is modulated (paragraph 0155). Furthermore, Petrus discloses the broadcast channel being used for other control messages and traffic data (paragraph 0029).

Claim 17 Petrus discloses the first terminal operating in a full duplex and the second terminal operating in a half duplex fashion (paragraph 0154).

Claim 18 Petrus discloses both terminal operating in a half duplex fashion (paragraph 0154).

Claim 19 Petrus discloses a modulator (element 37 in fig 4) within the base station, where data and voice to be transmitted is modulated (paragraph 0155). Petrus discloses transmitting a broadcast preamble from a base station to a first terminal and second terminal during a downlink sub frame on the first channel (paragraph 0005, 0019, 0028 and table 1). Petrus discloses sending a message from a user (first terminal) to a base station (paragraph 0036 and 0037).

Claim 20 Petrus discloses sending a message from a user (first terminal) to a base station (paragraph 0036 and 0037). However, Petrus does not disclose doing so on a second channel.

Uhlik discloses a separate channel for sending the message as disclosed by Petrus (Col10 lines 15-20).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine transmit the message from a user to a base station as disclosed by Petrus, via a different channel as disclosed by Uhlik. The motivation for this clarification is common within the art, where separate channels are used to avoid interference.

Claim 21 Petrus discloses both terminal operating in a full duplex fashion (paragraph 0154).

Claim 22 Petrus discloses the first and second terminals operating in a full duplex fashion (paragraph 0041, 0052).

Claim 28, 46 Petrus discloses a base station and user terminal exchanging a number of different parameters as disclosed within paragraph 0034. Furthermore, Petrus discloses the preamble being

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broadcast in a preprogrammed timeslot (paragraph0036), where it would have been obvious to one of the ordinary skill in the art at the time of the invention that any form of preprogrammed information may be exchanged from the base station to user terminal.

Allowable Subject Matter

2. Claims 3-22, 29-38 and 47-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments filed on April 16, 2006 have been fully considered but they are not persuasive.

(a) The applicant argued that the parent application of Petrus (US 20030169722) does not contain a disclosure relied upon in Petrus as the basis for the current rejections. The examiner maintains the rejection applied in the previous office action, as the applicant only argues that fig 4 is not present within the parent application (see remarks page 11). The parent application clearly depicts the same figure within fig 4, which is a simplified block diagram of a base station on which an embodiment of the invention can be implemented (please refer to parent application).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

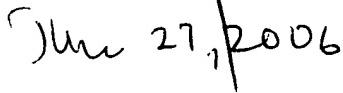
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571)272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Grey
Examiner
Art Unit 2616



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